

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ABDUL NEDAB, }
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 }
Plaintiff, }
 }
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 }
 }
vs. }
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 }
BARBARA LITTEN, }
 }
 }
Defendant. }

Civil Action No. 05-221 Erie

MEMORANDUM ORDER

This motion for leave to proceed *in forma pauperis* was received by the Clerk of Court on August 8, 2005, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 6], filed on September 7, 2005, recommended that the motion be denied and that the matter be dismissed as legally frivolous. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendant. Objections were filed by Plaintiff on October 6, 2005. After *de novo* review of the motion and documents in the case, together with the Report and Recommendation and objections thereto, the following order is entered:

AND NOW, this 11th day of October, 2005;

IT IS HEREBY ORDERED that the Plaintiff's motion for leave to proceed *in forma pauperis* [Doc. No. 1] is DENIED, and the matter is DISMISSED as legally frivolous in accordance with 28 U.S.C. § 1915(d).

The Report and Recommendation [Doc. No. 6] of Magistrate Judge Baxter, filed on September 7, 2005, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record

Susan Paradise Baxter, U.S. Magistrate Judge